

CITY OF POWAY

Proposition E

(This proposition will appear on the ballot in the following form.)

PROP E	Shall an Ordinance be adopted which would change the General Plan and Zoning Designations of Approximately Twenty Acres at the Northwest Corner of Highway 67 and Poway Road from Rural Residential to Automotive/General Commercial?
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This proposition requires approval by a simple majority (over 50%) of the voters.

Full text of this proposition follows the arguments/rebuttals.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

This measure proposes to re-designate approximately twenty acres of property located at the northwest corner of State Highway 67 and Poway Road from Rural Residential A to Automotive/General Commercial. If approved, it would add twenty acres of commercial zoning to the City in an area not previously planned for commercial use, and it would reduce by twenty acres the amount of land in the City designated for residential use. The property is surrounded by property designated Rural Residential A. No municipal water or sewer service is available to the site.

Since its adoption in 1983 the City's General Plan has designated this acreage as Rural Residential A, which permits a home served by a well and septic system on a lot of twenty acres or more. Commercial uses are not permitted. The proposed change to Automotive/General Commercial would allow a full range of auto-oriented uses and general commercial and office uses on the site, including service stations, towing and repair services, vehicle storage lots, general retail, home improvement, department, and convenience stores, supermarkets, restaurants, theatres, mini-warehouses, motor vehicle sales, and recycling centers. Some of these uses would require further City approval in the form of a conditional use permit or minor conditional use permit, including service stations, towing and repair services, vehicle storage lots, supermarkets, and theatres.

The City Attorney's legal research indicates that the measure conflicts with a number of existing General Plan goals and policies with regard to land use compatibility, extension of City services, impacts to open space, habitat conservation, preservation of the rural character of the eastern portion of the City, and growth-inducing impacts. The law requires that the City's General Plan be internally consistent. If the changes made to the General Plan by the measure are determined by the courts not to be consistent with goals and policies of the General Plan, the measure would be held invalid. The measure also conflicts with the City's Water System Facilities Master Plan and Poway Road Specific Plan, and may require consultation with State and Federal wildlife agencies and modification of the Poway Subarea Habitat Conservation Plan.

Commercial use would require that municipal water be extended to the site. Current City law and policy preclude such extension by the City. If water were extended to this area, the surrounding Rural Residential properties would be entitled to construct homes on lots as small as four acres, rather than the current twenty acre minimum. Potential residential development of the area could increase by as many as 200 homes.

A "Yes" vote is a vote to change the General Plan and zoning of the property to allow approximately twenty acres of commercial use at the northwest corner of Poway Road and Highway 67.

A "No" vote is a vote to leave the General Plan and zoning of the twenty acres at the northwest corner of Poway Road and Highway 67 as rural residential.

Stephen M. Eckis, City Attorney

ARGUMENT IN FAVOR OF PROPOSITION E

Increase fire protection on the East Side at no cost to the Taxpayers.

Proposition E will build a gas station/convenience store on the remote eastern side of town, midway between Ramona and downtown Poway, where motorists frequently get stranded. **Proposition E requires the property Owner - NOT the city or the Taxpayers - to pay to extend water service to the area.**

Had there been water service in this area this past fall, it could have helped stop the Cedar Fire, which destroyed 53 homes in Poway and more than 300 homes in Scripps Ranch.

Proposition E will enable the Lucidi family to move forward with plans for a gas station and enclosed, indoor RV parking facility, adjacent to their horse ranch. The indoor RV storage will help reduce the parking of recreational vehicles on city streets. The Lucidi family are good Poway neighbors. They owned the Hamburger Factory Restaurant in Old Poway for many years and have sponsored in excess of 225 youth teams. During the fires, "Zip" Lucidi used his own water truck to save homes of several of his neighbors on Poway Grade and helped firefighters put out spot fires.

Proposition E requires the Lucidi family to pay for all road and water improvements.

Vital water service was not available to fire fighters during the recent fire. In 2002 the city council voted to deny city water to this area; drastically impacting the Health, Safety and Welfare of property and home owners.

Money is tight for police and fire protection. **Proposition E helps pay for needed fire safety improvements.**

Yes on proposition E.

JOSEPH G. LUCIDI
Proponent

LESTER A. WIEDERRICH
Past Chamber President

JAMES T. CAVANAUGH
Past President Poway Rotary

L. E. "PAT" WILLIS
Fire Marshal (Ret.)

DENNIS HOLLINGSWORTH
State Senator, 36th District

REBUTTAL TO THE ARGUMENT IN FAVOR OF PROPOSITION E

The City's 26-page assessment of Proposition E does not support Lucidi's claim that water service could have helped stop the Cedar Fire. The availability of city water service in Scripps Ranch did not prevent the Cedar Fire from destroying 300 homes. According to Poway Safety Services Director, controlling such wildfires requires the use of aircraft-drops of water and/or fire retardant plus cooperation of all fire agencies in San Diego County. Smaller brush fires in east Poway have in the past and will continue to be controlled by Poway and neighboring agencies using existing facilities.

The City's assessment shows that this measure would **automatically** quadruple the allowed number of houses in the area and induce unplanned growth. Substantially more **unidentified** commercial and/or residential development beyond Lucidi's gas station and RV storage will be required to justify the \$10 million required to bring water to the area. Furthermore, if Poway voters approve this ballot measure, other developers will be encouraged to bypass City Council in order to obtain further profitable zoning changes anywhere in the City simply by hiring signature gatherers to place their proposals on future ballots.

Commercial development enabled by passage of Proposition E would necessitate **taxpayer** funded construction of a **\$5.8 million** fire station and drain **\$1.8 million per year** from the City's general fund for operation of the new station and for another Sheriff's patrol. Permitted commercial operations could also add 4,000 to 24,000 vehicle trips **per day** to the Poway grade.

Vote **NO** on Proposition E.

JACK TRIPP
President, Green Valley Civic Association

ARGUMENT AGAINST PROPOSITION E

The City of Poway's comprehensive plan is a carefully crafted document that prescribes standards for present and future development. It outlines the factors that are necessary to insure that Poway remains the unique and livable community that it is today. All factors that influence our quality of life; land use and zoning, police and fire, streets, water supply, environmental concerns, waste treatment and other areas are contained in the plan.

Foremost among these are land use and zoning. What becomes of Poway in the future depends heavily on how closely we adhere to the principles of land use in the plan and the zoning ordinances that implement these principles. Unplanned zone changes such as those proposed in Proposition E can significantly disrupt the orderly implementation of Poway's comprehensive plan.

If approved, Proposition E would change the zoning on 20 acres of rural property at the Northwest corner of Highway 67 and Poway Road from Rural Residential A to Automotive/General Commercial in an area with no municipal water or sewer services.

"Leapfrogging" commercial development into an otherwise rural environment will have a domino effect on a multitude of city services. It will impact open space, habitat conservation, preservation of our rural back country, stretch our fire and police coverage and require the city to extend municipal water to the site.

If passed, Proposition E would allow any of the following uses: auto repair services, vehicle storage, general retail, home improvement stores, supermarkets, restaurants, mini-warehouses, recycling centers, motor vehicle sales and many other uses totally incompatible with the rural residential nature of the area.

Maintaining the integrity of Poway's comprehensive plan will insure that our city remains "Our City in the Country," a great place to live, work and play.

Join your Poway City Council and vote NO on Proposition E.

MICKEY CAFAGNO
Mayor

DON HIGGINSON
Deputy Mayor

BOB EMERY
City Councilmember

JAY GOLDBY
Councilmember

BETTY REXFORD
Councilmember

REBUTTAL TO THE ARGUMENT AGAINST PROPOSITION E

The East Side Needs Water.

Recent Fires Demonstrate Inadequacy of Poway General Plan.

Proposition E will Bring water to the East Side of Poway – at no cost to the city – where numerous homes were lost or damaged in the recent fires.

Poway's General Plan is inadequate. Nobody anticipated the size and ferocity of the recent fires. Thousands of Poway residents live in "stranded" parcels in remote areas without access to municipal water. These taxpayers and property owners deserve access to water to protect their lives and property.

Proposition E will permit the Lucidi family to proceed with plans to build a gas station on Poway's East Side. The Lucidi family are good Poway neighbors. **Proposition E requires that the Lucidi's – NOT the city or the Taxpayers – pay to extend water service to the east side.**

Many motorists have been stranded on the East Side of Poway. The Lucidi station would provide gas and emergency auto service midway between Ramona and downtown Poway.

Proposition E will Strengthen the ability of the Poway Fire Department to respond to another serious fire. The Cedar Fire Destroyed 53 homes in Poway and more than 300 homes in Scripps Ranch. **Had there been municipal water service on the East Side of Poway, it could have helped stop the fire.**

Across California, local and state budgets are very tight. **Proposition E allows the voters to bring water to the East Side – at no taxpayers cost.**

YES on Proposition E.

Bring water to the East Side.

ROBERT JACKSON
Police Sergeant

MIKE SZOKA
Past President
Poway Kiwanis Club

WILLIAM P. RACICOT
Past President
Rotary Club of Poway

MARK A. MUIR
Chairperson
Golden State Fire Fighters

POWAY INITIATIVE ORDINANCE

THE PEOPLE OF THE CITY OF POWAY DO ORDAIN AS FOLLOWS:

Section 1 – Purpose

The purpose of this ordinance is to change the zoning and General Plan land use designation of a 20 acre parcel located in the City of Poway from RR-A (Rural Residential A) to A/GC (Automotive/General Commercial). The property, described as San Diego Assessor Parcel Number 322-011-09-00, is situated on the west side of Highway 67, north of Poway Road. A legal description of the property is attached as Exhibit A.

Section 2 – General Plan and Zoning Development Code Amendments

The Land Use Element of the General Plan and the Zoning Development Code of the City of Poway, codified as Title 17 of the Poway Municipal Code, are hereby amended as follows:

A. The Land Use and Zoning Plan Map incorporated in the Land Use Element of the General Plan and maintained pursuant to Section 17.06.020 of the Poway Municipal Code is amended to change the land use and zoning designation of San Diego Assessor Parcel Number 322-011-09-00, comprising approximately 20 acres in size, from RR-A to A/GC, as shown on Exhibit B attached hereto.

B. Table III-2 of the Land Use Element of the General Plan is amended to reflect 20 additional acres of land designated as A/GC and 20 fewer acres of land designated as RR-A within the incorporated city, as shown on Exhibit C attached hereto.

Section 3 – Severability

If any part of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining provisions of the ordinance.

Section 4 – Effective Date

Pursuant to California Elections Code section 9217, this ordinance shall be considered as adopted upon the date that vote by the electorate of the City of Poway is declared by the City Council, and shall become effective ten (10) days after that date.

EXHIBIT A – LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF SECTION 3, TOWNSHIP 14 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF POWAY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF COUNTRY ROAD SURVEY NO. 472 (KNOWN AS POWAY ROAD) AND CALIFORNIA STATE HIGHWAY XI-SD-198-H (STATE HIGHWAY NO. 67); THENCE SOUTH 80 DEGREES 28'48" WEST ALONG THE CENTERLINE OF SAID POWAY ROAD 300.00 FEET; THENCE AT RIGHT ANGLES TO SAID CENTERLINE NORTH 9 DEGREES 31'12" WEST 30.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID POWAY ROAD, SAID POINT BEING THE TRUE POINT OF THE BEGINNING; THENCE NORTH 58 DEGREES 28'48" EAST 58.46 FEET TO THE BEGINNING OF A 68.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE EASTERLY AND NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43 DEGREES 00'30" AN ARC DISTANCE OF 51.04 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID HIGHWAY 67; THENCE NORTH 15 DEGREES 45'36" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 290.07 FEET TO THE BEGINNING OF A 10082.36 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4 DEGREES 26'40" AN ARC DISTANCE OF 782.10 FEET; THENCE NORTH 84 DEGREES 23'26" EAST 697.24 FEET; THENCE SOUTH 6 DEGREES 05'45" EAST 1168.64 FEET TO A POINT ON THE NORTHERLY LINE OF SAID POWAY ROAD; THENCE NORTH 80 DEGREES 28'48" EAST ALONG SAID NORTHERLY LINE A DISTANCE OF 636.00 FEET TO THE TRUE POINT OF THE BEGINNING.

EXHIBIT B – AMENDMENT TO CITY OF POWAY LAND USE AND ZONING
PLAN MAP

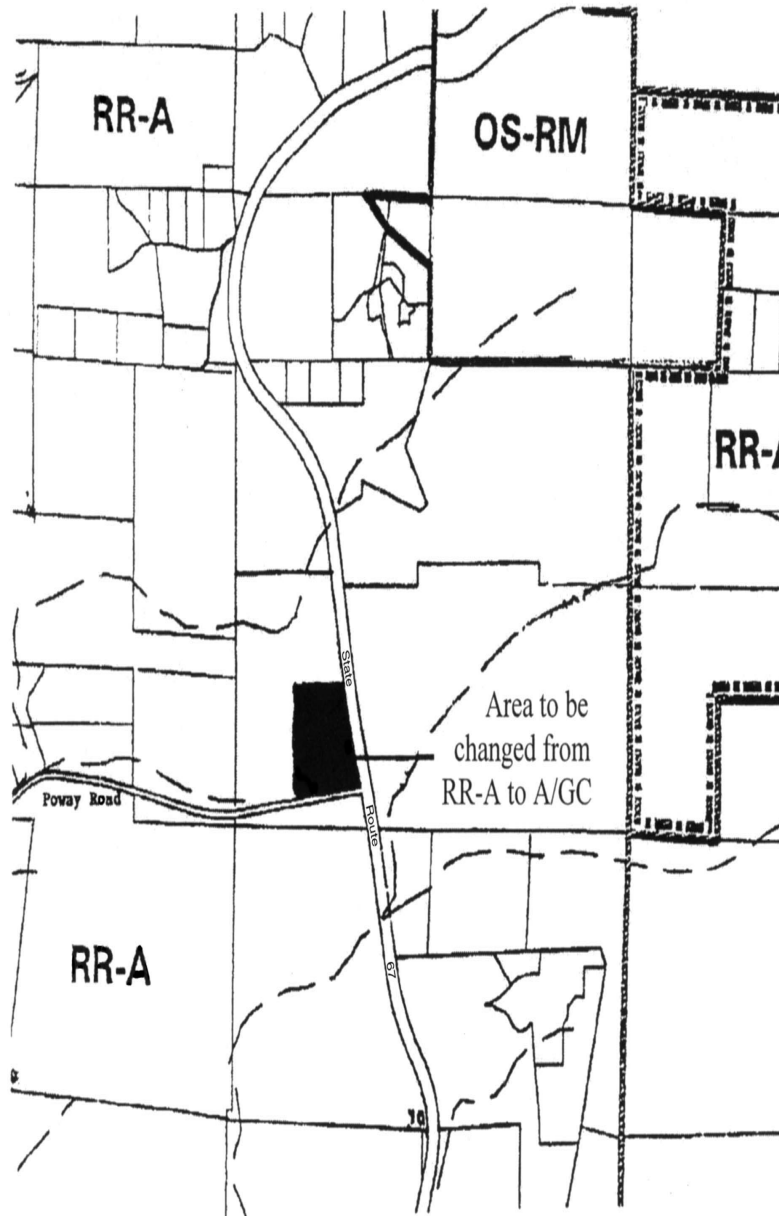


EXHIBIT C – TABLE III-2 DISTRIBUTION OF LAND USES

New provisions are printed in *italic type* to indicate that they are new:

POWAY COMPREHENSIVE PLAN: GENERAL PLAN

Table III-2 DISTRIBUTION OF LAND USES					
<u>Land Use Category</u>	<u>Acres</u>	<u>Percent</u>	<u>Land Use Category</u>	<u>Acres</u>	<u>Percent</u>
1. INCORPORATED CITY			2. SPHERE OF INFLUENCE		
<u>Residential</u>			<u>Residential</u>		
RR-A	7,463	29.7	RR-A	2,136	100.0
	7,443	29.8			
RR-B	1,319	5.3			
RR-C	3,207	12.8	SUBTOTAL	2,136	100.0
RS-1	33	0.1			
RS-2	431	1.7			
RS-3	64	0.3			
RS-4	583	2.3	3. PLANNING AREA		
RS-7	1,315	5.2	<u>Residential</u>		
PRD	723	2.9	RR-A	542	34.8
MHP	99	0.4	<u>Open Space</u>		
RC	143	0.6	OS-RM	1,017	65.2
RA	81	0.3			
<u>Commercial</u>			SUBTOTAL	1,559	100.0
CO	79	0.3			
CN	3	-	GRAND TOTAL	28,807	100.0
CG	217	0.9			
A/GC	20	0.1			
CC	109	0.4			
<u>Manufacturing</u>					
MS	36	0.2			
<u>Open Space</u>					
OS	50	0.2			
OS-R	418	1.6			
OS-RM	2,598	10.3			
<u>Special Purpose</u>					
PF	271	1.1			
PC	3,632	14.5			
<u>Transportation Corridors</u>					
	2,218	8.8			

Community Development – 9 Includes Amendments Through GPA 96-02A